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13 IN THE UNITED STATES DISTRICT COURT
14 FOR THE NORTHERN DISTRICT OF CALIFORNIA
15

16 UNITED FARM WORKERS,) Case No. C 07-03950 JF
17 AFL-CIO, et al.,)
18)
19 Plaintiffs,) STIPULATED MOTION
20) TO ESTABLISH SCHEDULE TO
21 v.) PRODUCE ADMINISTRATIVE
22) RECORD AND STAY SUMMARY
23) JUDGMENT BRIEFING
24 ADMINISTRATOR,)
25 UNITED STATES)
26 ENVIRONMENTAL)
27 PROTECTION AGENCY,)
28 Defendant.)
29)
30)

31 Pursuant to a stipulated order signed on July 10, 2008 (Docket No. 64), the Court
32 stayed the deadlines for production of the administrative record and summary judgment
33 briefing in this case pending resolution of plaintiffs' motion to compel EPA to produce a
34 complete administrative record and intervenor's motion to dismiss. On August 26, 2008,

35 NO. C-07-03950 JF
36 STIPULATED MOTION TO ESTABLISH SCHEDULE TO PRODUCE ADMINISTRATIVE RECORD AND STAY SUMMARY JUDGMENT
37 BRIEFING

1 the Court granted plaintiffs' motion to compel (Docket No. 67) and denied intervenor's
2 motion to dismiss (Docket No. 66).

3 Pursuant to Local Rule 7-12, the parties now stipulate that, by November 7, 2008,
4 EPA will produce a certified index of the complete administrative record for this case, a
5 privilege log for those records EPA believes can be withheld from disclosure, and
6 excerpts of the record agreed upon by the parties. The parties further stipulate that
7 summary judgment briefing in this case be stayed until the Ninth Circuit issues a decision
8 in a pending expedited case, United Farm Workers v. Administrator, EPA, No. 08-35528
9 (9th Cir.), which involves similar jurisdictional issues to those raised by the intervenor in
10 the instant case. Because the Court's Order denying intervenor's motion to dismiss
11 provided that it could raise the issues again on summary judgment, the parties believe it is
12 appropriate to await the Ninth Circuit's decision before proceeding to summary judgment
13 in this case, except that nothing shall prevent any party from filing a motion for
14 reconsideration of the Court's Order pending resolution of the Ninth Circuit litigation.
15 The parties will submit a revised proposed schedule for summary judgment briefing
16 within two weeks of the Ninth Circuit's ruling in United Farm Workers.
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20 Respectfully submitted this 9th day of September, 2008.

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28 NO. C-07-03950 JF
STIPULATED MOTION TO ESTABLISH SCHEDULE TO PRODUCE ADMINISTRATIVE RECORD AND STAY SUMMARY JUDGMENT
BRIEFING

1
2 PURSUANT TO STIPULATION, IT IS SO ORDERED
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7 Honorable Jeremy Fogel
8 United States District Judge
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